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ATTORNEY FOR DEBTORS

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	
	§	
CHARLES RAYFORD BRAZIL, JR	§	CASE NO. 15-41199-BTR-13
DAPHNE ARTIS BRAZIL	§	
Debtors	§	CHAPTER 13

DEBTORS' MOTION TO MODIFY CHAPTER 13 PLAN POST-CONFIRMATION

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY EIGHT (28) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW, Charles Rayford Brazil, Jr and Daphne Artis Brazil, Debtors in the above-numbered and styled case, and files this their request for Modification of Chapter 13 Plan Post-Confirmation for the purpose of curing Chapter 13 Plan insufficiencies, and Chapter 13 Trustee Plan payment arrears, provide for an Agreed Order, remain a 100% Plan and would show the Court as follows:

1. Debtors Charles Rayford Brazil, Jr and Daphne Artis Brazil filed a Bankruptcy case under Title 11 of the United States Code on or about 7/3/2015. An Order Confirming the Chapter 13 Plan was entered with the Court on or about 1/22/2016.

2. The Order Confirming Chapter 13 Plan required Debtors to pay variable payments to the Office of the Standing Chapter 13 Trustee until the base of \$83,234 is paid in 60 months.

3. Since the Confirmation of Debtors' Chapter 13 Plan, claims have been filed by creditors not provided for in the plan.

4 Debtors filed this Motion for Modification to ensure all creditor claims are provided for in the Plan and prove feasibility.

5. Debtors propose to modify their Chapter 13 Plan to have paid \$20,269 beginning 8/2/2015 for the first 27 months. Beginning month (28) November 2017 payments will be \$945 per month for 2 months; beginning month (30) January 2018, payments will be \$1,445 per month for the remainder of the Plan to provide for the Agreed Order and to cure any arrears described above.

6. Attached as Exhibit A is the Amended Chapter 13 Plan proposing treatment of creditors who have filed claims since the time of Confirmation.

7. A fee above the Confirmed amount to Debtors' counsel should be allowed in the amount of \$650.00 for services rendered concerning the Motion for Modification of Chapter 13 Plan. The services rendered by counsel consist of an examination of Debtors' case and current financial circumstances to determine feasibility and necessity, drafting the Motion to Modify, drafting the first Post-Confirmation Plan Amendment and Related Order, the preparation and filing of Amended Schedules to reflect current disposable income and any other related and incidental matters pertaining to the foregoing.

8. The amendments to Debtors' Chapter 13 Plan are permissible under 11 U.S.C. §1329(a). The Plan additionally complies with 11 U.S.C. §1329(b) and (c). as well as any and all other applicable provisions of Chapter 13 of Title 11 of the United States Code.

WHEREFORE, PREMISES CONSIDERED, upon notice and hearing, Debtors request their Chapter 13 Plan be modified for the purposes stated above and in accordance with the Amended Chapter 13 Plan attached as Exhibit A, and for any such other and further relief in law and equity as the Court deems just.

DATED: October 26, 2017

Respectfully Submitted,

Leinart Law Firm
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469.232.3328 Phone
214.221.1755 Fax

By: /s/ Marcus Leinart
Marcus Leinart
State Bar No. 00794156
ATTORNEY FOR DEBTORS

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2017, I did serve a true and correct copy of the foregoing to the following interested parties and on the attached mailing list, by United States

Mail, First Class:

DEBTORS

Charles Rayford Brazil, Jr and Daphne Artis Brazil
1173 Timber Lane
Frisco, TX 75034

STANDING CHAPTER 13 TRUSTEE

Carey D. Ebert - Via ECF
500 N. Central Expressway, Suite 350
Plano, TX 75074

By: /s/ Marcus Leinart
Marcus Leinart
ATTORNEY FOR DEBTORS

Label Matrix for local noticing
0540-4
Case 15-41199
Eastern District of Texas
Sherman
Thu Oct 26 11:51:14 CDT 2017

AFNI
404 Brock
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Bloomington, IL 61702-3427

AT&T Mobility
PO Box 650553
Dallas, TX 75265-0553

AT&T U-Verse
PO Box 5014
Carol Stream, IL 60197-5014

Acute Kids Urgent Care of Medical City
PO Box 742091
Atlanta, GA 30374-2091

Allen Adkins
PO Box 3340
Lubbock, TX 79452-3340

American InfoSource LP as agent for
Texas Health Resources
as assignee of TEXAS HEALTH PRESBYTERIAN
PO Box 248838
Oklahoma City, OK 73124-8838

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PO Box 847908
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Fort Worth, TX 76103-2315

Attorney General of Texas
Collections Div/ Bankruptcy Section
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Austin, TX 78711-2548

Attorney General of Texas
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EL PASO TX 79998-2238

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P.O. Box 468449
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Dallas, TX 75254-8067

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PO Box 10587
Greenville, SC 29603-0587

CACH, LLC
4340 S. Monaco Street
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PLANO TX 75074-5799

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PO Box 21031
Tulsa, OK 74121-1031

Cach Llc/Square Two Financial
Attention: Bankruptcy
PO Box 10587
Greenville, SC 29603-0587

Caf/Carmax Auto Finance
Attn: Bankruptcy
PO Box 440609
Kennesaw, GA 30160-9511

Calvary Portfolio Services
Attention: Bankruptcy Department
500 Summit Lake Dr. Suite 400
Valhalla, NY 10595-1340

Capl/suzki
Po Box 5253
Carol Stream, IL 60197-5253

Capital One
Attn: Bankruptcy
PO Box 30285
Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

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State of Texas
Office of the Attorney General
6100 Western Place, Suite 405
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Cavalry SPV I, LLC 500 Summit Lake Drive, Ste 400 Valhalla, NY 10595-1340	Central Portfolio Control 6640 Shady Oak Road Suite 300 Eden Prairie, MN 55344-7710	Chase Card Po Box 15298 Wilmington, DE 19850-5298
Chase Receivables 1247 Broadway Sonoma, CA 95476-7503	Chevron Federal Cu Po Box 2069 Oakland, CA 94604-2069	Children's Medical PO Box 841233 Dallas, TX 75284-1233
(p)CITIBANK PO BOX 790034 ST LOUIS MO 63179-0034	Citibank/The Home Depot Citicorp Credit Srvs/Centralized Bankrup PO Box 790040 Saint Louis, MO 63179-0040	City of Frisco c/o Melissa Palo Linebarger Goggan Blair & Sampson, LLP 2777 N Stemmons Freeway Suite 1000 Dallas, TX 75207-2328
Cmre Financial Services Inc 3075 E Imperial Hwy Ste 200 Brea, CA 92821-6753	Comenity Bank/Garden Ridge Attention: Bankruptcy PO BOX 182125 Columbus, OH 43218-2125	Comenity Bank/New York & Company Attention: Bankruptcy PO Box 182125 Columbus, OH 43218-2125
(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION PO BOX 13528 AUSTIN TX 78711-3528	Credit Collection Services Two Wells Ave Newton, MA 02459-3246	Credit Control LLC 5757 Phantom Dr Ste. 330 Hazelwood, MO 63042-2429
Credit Systems Intl In 1277 Country Club Ln Fort Worth, TX 76112-2304	DRS PO Box 460036 Garland, TX 75046-0036	Denton County c/o Lee Gordon P O Box 1269 Round Rock, TX 78680-1269
Denton County Tax Accessor PO Box 90223 Denton, TX 76202-5223	Detroit, MI 48277 National Recovery Solutions POB 322 Lockport, NY 14095-0322	Diamond Resorts Fs 10600 W Charleston Blvd Las Vegas, NV 89135-1260
Dsnb Macys 9111 Duke Blvd Mason, OH 45040-8999	Carey D. Ebert P. O. Box 941166 Plano, TX 75094-1166	Edward Sloan & Associa Attn: Bankruptcy Dept PO Box 788 Winnsboro, TX 75494-0788
(p)US BANK PO BOX 5229 CINCINNATI OH 45201-5229	Enhanced Recovery Corp Attention: Client Services 8014 Bayberry Rd Jacksonville, FL 32256-7412	Financial Control Services 6801 Sanger Ave. Suite 195 Waco, TX 76710-7804
Financial Corporation Of America Attn: Bankruptcy PO Box 203500 Austin, TX 78720-3500	Frederick J. Hanna & Assoc 1427 Roswell Rd. Marietta, GA 30062-3668	GECRB/ Old Navy Attention: GEMB PO Box 103104 Roswell, GA 30076-9104

GECRB/JC Penny
 Attention: Bankruptcy
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 Roswell, GA 30076-9104

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 ROUND ROCK TX 78680-1269

Hillcrest Davidson & A
 850 N Dorothy Dr Ste 512
 Richardson, TX 75081-2794

Internal Revenue Service
 Special Procedures and Insolvency
 PO Box 7346
 Philadelphia, PA 19101-7346

(p)JEFFERSON CAPITAL SYSTEMS LLC
 PO BOX 7999
 SAINT CLOUD MN 56302-7999

Kohls/capone
 N56 W 17000 Ridgewood Dr
 Menomonee Falls, WI 53051-7096

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 Burlington, NC 27216-2240

Labcorp
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Medical Revenue Services
 PO Box 938
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Michael J. Scott, PC
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Midland Credit Management, Inc.
 as agent for MIDLAND FUNDING LLC
 PO Box 2011
 Warren, MI 48090-2011

Midland Funding
 8875 Aero Dr Ste 200
 San Diego, CA 92123-2255

Mira Med Revenue Group
 Dept. 77304
 P.O. Box 77304
 Detroit, MI 48277-0304

NTTA
 PO Box 660244
 Dallas, TX 75266-0244

National Recovery Solutions
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 Lockport, NY 14095-0322

Novea Port
 2124 Ne 123rd St
 North Miami, FL 33181-2881

P Scott Lowery
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 Denver, CO 80231-3967

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Porania LLC
 c/o Biltmore Asset Management
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 Westlake, OH 44145-5605

Premier One Emergency Physicians
 211 Highland Cross Ste. 275
 Houston, TX 77073-1741

Propath
 P O Box 678175
 Dallas, TX 75267-8175

Prsm/cbna
 Po Box 6497
 Sioux Falls, SD 57117-6497

Quest Diagnostics
 P.O. Box 740779
 Cincinnati, OH 45274-0779

Receivable Solution Sp
 422 Main St
 Natchez, MS 39120-3464

Regent & Associates 2650 Fountain View Drive Houston, TX 77057-7669	Scott, Parnell & Associates PO Box 113297 Carrollton, TX 75011-3297	Second Round Lp 4150 Friedrich Lane Suit Austin, TX 78744-1052
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John Talton.. P. O. Box 941166 Plano, TX 75094-1166	LynAlise Katherine Tannery Buckley Madole. P.C. 14841 Dallas Parkway, Suite 425 Dallas, TX 75254-8067	Target Nb Po Box 673 Minneapolis, MN 55440-0673
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Td Bank Usa/targetcred Po Box 673 Minneapolis, MN 55440-0673	Texas Alcoholic Beverage Commission Licenses and Permit Division PO Box 13127 Austin, TX 78711-3127	Texas Health Center Diagnostics/Surg Pla PO Box 676290 Dallas, TX 75267-6290
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Texas Workforce Commission TEC Building- Bankruptcy 101 E 15th St Austin, TX 78778-0001	Steve Turner Barrett Daffin Frappier Turner & Engel 3809 Juniper Trace, Suite 205 Austin, TX 78738-5538	U.S. Attorney General Department of Justice Main Justice Building 10th & Constitution Ave., NW Washington, DC 20530-0001
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US Trustee Office of the U.S. Trustee 110 N. College Ave. Suite 300 Tyler, TX 75702-7231	United States Attorney General Dept. of Justice Main Justice Bldg 10 and Constitution, NW Washington, DC 20530-0001	United States Attorney's Office 110 North College Ave, Ste 700 Tyler, TX 75702-0204
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United States Trustee's Office 110 North College Ave, Ste 300 Tyler, TX 75702-7231	WELLS FARGO BANK, N.A. 14841 Dallas Parkway, Suite 300 Dallas, TX 75254-7883	WELLS FARGO BANK, N.A. F8235-02F PO BOX 10438 DES MOINES, IA 50306-0438
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Wells Fargo PO Box 60510 Los Angeles, CA 90060-0510	Wells Fargo Po Box 14517 Des Moines, IA 50306-3517	Wells Fargo Bank Nv Na Attn: Deposits Bankruptcy MAC# P6103-05K PO Box 3908 Portland, OR 97208-3908
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Wells Fargo Bank, N.A. Steve Turner Barrett Daffin Frappier Turner & Engel 15000 Surveyor Boulevard Addison, TX 75001-4417	Wells Fargo Bank, N.A. Attention: Bankruptcy Department MAC #D3347-014 3476 Stateview Blvd Fort Mill, South Carolina 29715-7203	Wells Fargo Bank, N.A. Home Equity Group 1 Home Campus X2303-01A Des Moines, IA 50328-0001
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Bank Of America
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4161 Peidmont Pkwy.
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(d)Bk Of Amer
Po Box 982235
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Childrens Place/Citicorp Credit Services
Attn: Citicorp Credit Services
PO Box 20507
Kansas City, MO 64195

(d)Citibankna
Attn: Centralized Bankruptcy
PO Box 20363
Kansas City, MO 64195

Comptroller of Public Accounts
Revenue Accounting/ Bankruptcy Div
PO Box 13528
Austin, TX 78711

Elan Financial Service
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Saint Louis, MO 63179

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El Paso, TX 79998

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Round Rock, TX 78665

Jefferson Capital Systems
PO Box 7999
St Cloud, MN 56302-9617

(d)Texaco / Citibank
Citicorp Credit Services/Attn: Centraliz
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Kansas City, MO 64195

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(u)ABC

(d)Carey D. Ebert
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Plano, TX 75094-1166

(d)United States Attorney General
Dept. of Justice
Main Justice Bldg
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Washington, DC 20530-0001

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